

INVESTIGATION PROCEDURES

SERIOUS WILDLAND FIRE-RELATED ACCIDENTS AND INCIDENTS WITH POTENTIAL

INTRODUCTION

This Exhibit outlines procedures for investigation of serious wildland fire-related accidents and incidents with potential, as below defined. It incorporates all of the interagency guidance developed between USDA and USDI, May 1997, regarding investigation of serious accidents, but is also expanded to address NPS-mandated investigations of incidents with potential. These procedures also are in concurrence with revised 485 Departmental Manual Ch. 7.

1.1 Authority

- A. USDI, Interior 485 DM 7, Serious Accident Investigation.
- B. USDA, Forest Service FSM 6730, Accident Reporting and Investigation.
- C. The Interdepartmental Memorandum of Understanding between the U.S. Department of the Interior and the U.S. Department of Agriculture, October 26, 1995.
- D. Executive Order 12196, "Occupational Safety and Health Programs for Federal Employees."
- E. 29 CFR 1960.29 Accident Investigation
- F. 29 CFR 1960.70 Reporting of Serious Accidents

1.2 Serious Wildland Fire-Related Non-Aviation Accidents. The following policy relates to wildland fire serious accident investigation for non-aviation accidents occurring to personnel of either or both agencies participating in wildland fire management activities, or to personnel working in support of those activities, which result in one or more fatalities or the hospitalization of three or more personnel (29 CFR 1960.29).

1.2.1 NPS Incidents with Potential. This policy and supporting handbook and training shall also be used to review non-aviation incidents with potential that may have had less serious results than a serious accident.

1.3 Policy. Interagency investigation will be conducted whenever a serious fire-related accident occurs on an USDA Forest Service managed fire, a Department of the Interior managed fire, or a jointly managed fire. Interagency investigations will also be conducted whenever an incident with potential occurs on NPS-managed fires.

- A. Aircraft accidents occurring during Wildland fire operations will be investigated by the

National Transportation Safety Board, USDA Forest Service, and the Department of the Interior in accordance with established law and agreements.

- B. If a serious accident involving a Federal employee should occur on an incident managed by a State cooperator under their jurisdiction or under Federal jurisdiction, the responsible bureau will establish representation on the investigation team or liaison to the team. Similar procedures should be considered on an incident with potential involving an NPS employee on lands managed as above described.
- C. In addition to the bureau accident investigation and report requirements, certain accidents require additional reporting, i.e., aircraft, boat, vehicle, and shelter deployments. Shelter deployments and entrapments will be investigated following NWCG guidance contained in the NWCG Fire Entrapment Investigation and Review Guidelines memo dated July 27, 1993 (see Exhibit 6). Each bureau will incorporate the procedural guidance within individual bureau directive system.
- D. The Incident Commander and/or the local agency administrator will investigate any event less than an incident with potential as below described.

1.4 Definitions.

- A. Agency Administrator - those positions within the agency which have direct line authority, i.e., NPS Park Superintendents, BIA Agency Superintendent, USFS Forest Supervisor, BLM District Manager, and FWS Refuge Manager.
- B. Agency-Lead Investigations - single team leader and team members from both Departments.
- C. Board of Review (BOR) - a group which may be convened by either the bureau or Regional Director for the purpose of reviewing Factual and Management Evaluation Reports to determine whether the investigation has been completed adequately and properly reflects the accident circumstances. The board also completes the Corrective Action Plan.
- D. Bureau - refers to Forest Service and any Interior bureau.
- E. Co-Lead Investigations - team leaders and team members from both Departments.
- F. Corrective Action Plan - a recommended plan of action outlining corrective steps taken to eliminate or mitigate causative factors in future serious accidents or incidents with potential.
- G. DASHO - Designated Agency Safety and Health Official.
- H. Entrapment - a situation where personnel are unexpectedly caught in a fire behavior-related, life threatening position where planned escape routes and safety zones are absent, inadequate, or have been compromised. An entrapment may or may not include deployment of a fire shelter for its intended purpose. These situations may or may not result in injury. They include near misses.
- I. Factual Report - a written report by the investigator to the bureau head containing only

the facts related to the serious accidents.

- J. Incident with Potential - a wildland fire-related mishap which results in a serious injury, near accident (which would have resulted in a serious injury or fatality), substantial loss of property, or is so complex and filled with operational discrepancies that it has the potential to produce an accident, serious injury or fatality given a similar environment or set of circumstances that existed at the time of the incident.
- K. Management Evaluation Report - a written report by the Investigation Team to the bureau head containing the results of the investigation -- the investigator's opinion as to why management control systems did not prevent the accident (if applicable), and recommendations for preventing similar accidents.
- L. Serious Accident Investigation Team (SAIT) - a team of at least four members, appointed by the bureau DASHO, to investigate a serious accident and report of the accident facts and its opinions recommendations. The team composition consists of:
 - Team Leader
 - Safety & Health Manager
 - Chief Investigator
 - Technical Specialists(s)

NPS incidents with potential will be investigated by person(s) who will ensure that applicable duties and functions of the SAIT above are accomplished. The Regional Director will appoint them. It is suggested that team members meet qualifications of SAIT members.

Should a serious NPS incident with potential occur, but result in less than a defined serious accident, it is recommended that Regions follow all procedures as outlined herein for serious accident investigations.

- M. Serious Fire-Related Accidents - accidents occurring to personnel participating in wildland fire operations, or to personnel working in direct support of those activities, which result in one or more fatalities or the hospitalization of three or more personnel.

1.5 Responsibilities (Serious Accidents).

- A. The Secretaries of the Interior and Agriculture are ultimately responsible for wildland fire management activities of their respective Departments, including such activities when contracted for, in whole or in part, with other agencies or Tribes.
- B. Assistant Secretary - provides program coordination activities within the Department and designates the Departments DASHOs.
- C. Department DASHO - receives the Factual and Management Evaluation report, together with the corrective action plan from the bureau Director.

- D. Bureau Director - may be requested to personally brief the Secretary(ies) to explain the accident and corrective measures being implemented to prevent recurrence.
- E. Bureau DASHO or person delegated the following - upon initial notification of a serious wildland fire-related accident will:
- Notify the bureau Director, Departmental DASHO, and bureau Safety Manager.
 - Exercise the authority of the bureau head and immediately appoint and authorize an Accident Investigation Team Leader and Safety and Health Manager.
 - Provide the Team Leader a Delegation of Authority, investigation objectives, and briefing.
 - Ensure that the Investigation Team Leader and Safety and Health manager are promptly dispatched, and that resources and procedures to do so are in place.
 - Receive the Factual and Management Evaluation Reports, and take actions to accept or reject recommendations.
 - Advise the bureau Director of the investigation findings and recommendations.
 - Convene a Board of Review to evaluate the adequacy of the Factual and Management Evaluation Reports and suggest corrective actions.
 - Ensure that a corrective action plan is developed, incorporating management initiatives developed to address the causal factors of the accident, based on the investigation recommendations.
 - Transmit the investigation Factual Report and the Management Evaluation Report, together with the corrective action plan, to the Departmental DASHO.
 - Invite the Department of Labor Occupational Safety and Health Administration to participate in the investigation.
- F. Bureau Safety and Health Manager will:
- Be the Office of Record for the entire investigation file.
 - Prepare an abstract of the accident for entry into the Departmental Safety Management Information System to share with other agencies, and the Occupational Safety and Health Administration.
- G. Bureau Fire Director will:
- Assure that adequate notification procedures are in place to promptly begin the accident investigation.
 - Ensure that an appropriately qualified Chief Investigator and technical specialists and resources are available and immediately dispatched to conduct and support an investigation.

H. Agency Administrator will:

- Identify agencies that have statutory/accident jurisdictional responsibilities for the incident.
- Provide for and emphasize the treatment and care of survivors.
- Brief the investigation team.
- Facilitate and support the investigation, as requested.
- Implement critical incident stress management.
- In case of serious injury or death to a Native American, immediately contact home Tribe leadership for cultural considerations. In case of serious injury or death, immediately contact the home unit so the highest level manager can inform the family.
- Ensure that the fire Incident Commander acts to secure the accident site to protect physical evidence.
- Notify OSHA within 8 hours of the occurrence.
- Prepare and forward the 24-hour preliminary brief to the bureau DASHO and the National Interagency Coordination Center (NICC).

I. Incident Commander will:

- Ensure that the involved personnel and supervisors are removed from the fireline and receive appropriate medical attention, if necessary.
- Ensure the scene is secured and all pertinent evidentiary items are secured or collected. All equipment should remain in place, if possible, or secured for the investigation team.
- Immediately notify the agency administrator and provide details on the incident status summary (ICS-209).
 - Conduct a brief preliminary investigation to determine, insofar as possible, the cause of the incident and who was involved. A roster of those involved should include names, genders, ages, addresses, titles and social security numbers. This preliminary investigation should be in support of the incoming investigation team, to assist them in issuance of preliminary findings and issuance of the 24-hour preliminary brief. Ensure that those directly involved, including supervisors, are removed from fireline duties as soon as practical, and made available for interview by the investigation team. "Available" means present at the incident base or nearby R&R center. Supervisors should be returned to fireline duty on the incident only if/when the investigation team has preliminarily determined that inappropriate supervisory action did not contribute to the even under investigation. (Subsequent findings, as outlined in the Management Evaluation Report, may indicate further administrative recommendations by a Board of

Review, supportive of or against involved supervisory personnel.)

J. Incident personnel will:

- Report all serious accidents and incidents with potential to appropriate levels of management.

1.51 Responsibilities (NPS Incidents with Potential)

A. Regional Director - is responsible for ensuring that a thorough investigation, commensurate with the seriousness of the incident with potential, is conducted and follow-up administrative actions concluded. Generally, all responsibilities outlined above will be followed, as appropriate to regional responsibility for investigations.

- Personally or through delegation, appoints investigation team member(s).
- Ensures that the Bureau Fire Director and Safety and Health Manager are notified of the incident.
- May be requested to personally brief the Director to explain the incident with potential.

B. Regional Fire Management Officer will:

- Assure that adequate notification procedures are in place to promptly begin the investigation.
- Ensure that appropriately qualified team member(s) and resources are available and immediately dispatched to conduct and support an investigation.

C. Regional Safety Manager will:

- Be the Office of Record for the entire investigation file.
- Prepare the record for entry into the Departmental Safety Management Information System.

1.6 Joint Accident Investigations (Serious Accidents). Interagency investigation team will include personnel from the Department of the Interior and the Department of Agriculture.

- A. Representatives of the Department of Labor, Occupational Safety and Health Administration, will be invited by the bureau DASHO to participate in serious accident investigations, or will be given full support to conduct their own investigation.
- B. Co-Lead investigations will be conducted whenever:

- A serious fire-related accident occurs on a USDA Forest Service/Department of the Interior jointly managed fire, or
 - A serious fire-related accident involving USDA Forest Service personnel occurs on Department of the Interior managed fire, or
 - A serious fire-related accident involving Department of the Interior personnel occurs on an USDA Forest Service managed fire.
- C. Agency-Lead investigations will be conducted whenever only one agency is responsible for managing a fire, and a serious fire-related accident occurs affecting only personnel of that same agency. The agency responsible for managing the fire will lead the investigation with other agencies or Tribes.
- D. Where two or more DOI bureaus are responsible for managing a wildland fire and a serious fire-related accident occurs, those bureaus will determine to conduct a Co-Lead or single bureau lead investigation.

1.61 Joint Accident Investigation (NPS Incidents with Potential). All NPS incidents with potential will be investigated by teams interagency in composition.

1.7 Serious Accident Investigation Team Composition. The Serious Accident Investigation Team will be comprised as follows. Duties and responsibilities are identified in Appendix A.

- A. Team Leader - a senior management official, at or above the Associate Regional Director/Forester, who will direct the investigation.
- B. Safety and Health Manager - an experienced Occupational Safety and Health specialist or manager. As a team member, ensures that the investigation focus remains on safety and health issues.
- C. Chief Investigator - a qualified accident investigation specialist responsible for the direct management of all investigation operations. This person should be mutually acceptable to involved Fire Directors in a Co-Lead investigation.
- D. Technical Specialists – experienced personnel to address specific technical issues (weather, fuels, equipment, media, etc.).
- E. Administrative support – personnel available to facilitate gathering of factual information and evidence, and to assist in preparation of documents and briefing materials.

1.71 NPS Incidents with Potential Investigation Team Composition. Should be composed of personnel capable of fulfilling responsibilities in a timely manner, as defined under Serious Accident. Incident complexity should dictate team size and composition. Team member duties and responsibilities are identified in Appendix A.

1.8 Serious Accident Investigation Team Qualifications and Training. Qualifications and

training are identified in Appendix A. They are developed on an interagency basis and will be conducted in the same manner.

1.81 NPS Incidents with Potential Investigation Team Qualifications and Training. Team member skills and training will be commensurate with the complexity of the incident. However, whenever possible, those outlined in Appendix A should be met.

1.9 Investigation Process. Specific guidance on the investigation process will be contained within a handbook entitled Interagency Wildland Fire Accident Investigation, to be developed by Interior and Agriculture. In the interim, a draft handbook will function as a working document until adopted with the Directives system. At a minimum, the following will occur:

- A. The 24-hour Preliminary Brief will be completed and forwarded by the local agency administrator having administrative jurisdiction over the accident to the bureau DASHO and the National Interagency Coordination Center (NICC). This brief is intended only to give only the most obvious and basic facts about the accident. The factual brief may be widely distributed to managers and used to enhance accident prevention based on available information. The brief may be a simple paragraph outlining limited facts; in the case of an entrapment and/or fire fatality(ies), this brief takes the form of the NWCG Wildland Fire Entrapment/Fatality Initial Report, NFES 0869.
- B. Upon initial notification of a serious accident, bureau Fire Director(s) will immediately dispatch the Chief Investigator and technical specialist to the accident location to begin gathering factual information and evidence. This includes photographs of the accident scene, environmental information, examination of equipment and materials, and other item-sensitive data.
- C. When assembled, the Accident Investigation Team will:
 - 1. Receive an in briefing from the local Agency Administrator, to include the 24-hour Preliminary Brief, as well as other general information about the accident.
 - 2. Produce a 72-hour Expanded Brief forwarded to the bureau DASHO and NICC. This Brief is an expanded 24-hour Brief, providing more detailed information about the accident. It may contain such information as number of victims, severity of injuries, and other details to further enhance accident prevention. This is the first product of the investigation team.

1.91 The Investigation Process for NPS Incidents with Potential is identical to the above, except that:

- A. The 24-hour Preliminary Brief will be forwarded to the Regional Safety & Health Manager and to the NPS Fire Director at the National Interagency Fire Center (NIFC). The Fire Director will then determine appropriateness to forward to NICC for distribution.
- B. The Regional Fire Management Officer will dispatch appropriate investigation team member(s).
- C. The 72-hour Expanded Brief will be forwarded to the Regional Safety & Health Manager and to the NPS Fire Director at NIFC.

2.0 Reports. The following reports will be completed within 45 calendar days of the accident; extensions require the Departmental DASHO approval. The reports will be in a format and content as identified in the Interagency wildland Fire Accident Investigation Handbook, and will be signed by the Team Leader, Chief Investigator, and Safety and Health Manager. The reports will be submitted directly to the bureau DASHO.

- A. Factual Report. This report contains only information of a factual nature and is entirely free of opinions, conclusions, and recommendations.
- B. Management Evaluation Report. This report is considered for internal use only, and explores management policies, Practices, procedures and personal performance aspects involved with the accident. It may contain opinions by investigators as to the cause of the accident; conclusions and observations; confidential information, and recommendations for corrective measures to prevent future occurrences.

2.01 The same time constraints and procedures apply to NPS Incidents with Potential, except that completion extensions require Regional Director approval. Reports will be submitted to the Regional Director.

2.1 Board of Review (Serious Accident).

- A. The bureau DASHO will appoint a Board of Review before receipt of the Factual and management Evaluation Reports. Within 21 calendar days of receipt of the two reports, the Board of Review will convene, develop and forward to the bureau DASHO a recommended corrective action plan. Within the same 21 calendar days, the bureau DASHO will transmit the Board's recommendations and the two reports to the Departmental DASHO, with a statement of concurrence or nonconcurrence on the Board's recommendations. The bureau DASHO will also make the Factual Report available for release.
- B. In the event of a Co-Lead investigation, the same procedures and timeframes

will apply; involved bureau DASHOs will jointly appoint the Board of Review and jointly concur or not concur with the Board's recommendations.

- C. The DOI bureau DASHO may make a presentation to the Interior DASHO Council and/or other senior bureau/departamental managers concerning opinions, findings, recommendations, and corrective actions included in the report.
- D. The Bureau Director(s) may requested to personally brief the Secretary(ies) to explain the accident and corrective measures being implemented to prevent recurrence.

2.11 Board of Review (NPS Incident with Potential).

The same procedures and timeframes apply as to the serious accident Board of Review, except that the Regional Safety & Health Manager will appoint a Board of Review. The Regional Safety & Health Manager transmits the Board's recommendations, the two reports, and a corrective action plan (which includes recommendations for corrective measures to prevent future occurrences and any recommendations for correction of demonstrated inadequate performance, deficiencies, disciplinary actions, or commendations) to the regional director, with the statement of concurrence or nonconcurrence. The regional director will forward final report, with actions taken, to the bureau Safety & Health Manager and to the Bureau Fire Director.

- 3.0 Occupational Safety and Health Administration (OSHA). OSHA should be offered the opportunity to participate in the investigation. They may choose to conduct a separate investigation of the accident. Nevertheless, all factual information and evidence will be made available to their investigators. On completion of the investigation and reports, OSHA, upon request, will be provided with appropriate information, as identified in 29 CFR 1960.29(d).